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September 26, 2006

**VIA EFILING AND HAND DELIVERY**

The Honorable Sue L. Robinson  
United States District Court  
District of Delaware  
844 King Street  
Wilmington, DE 19801

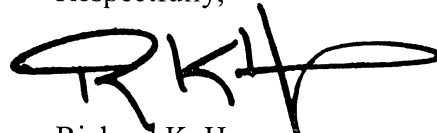
**Re: *SRI International v. ISS and Symantec*, D. Del., C.A. No. 04-1199-SLR**

Your Honor:

As I indicated in my September 14 letter, Symantec has requested that SRI confirm that it will not assert the claims of the '338 patent in the future against Symantec or its customers based upon any past or present Symantec activity. SRI has now responded that it will not provide this confirmation.

In light of SRI's response, Symantec's pending motion for summary judgment of non-infringement of the '338 patent is not moot, and the Court has jurisdiction to resolve this dispute based upon Symantec's counterclaim for a declaratory judgment of non-infringement of the '338 patent. Symantec therefore respectfully requests that the Court proceed to resolve the motion in its entirety along with all other summary judgment motions now before the Court.

Respectfully,

A handwritten signature in black ink, appearing to be 'RKH' with a long horizontal flourish extending to the right.

Richard K. Herrmann

cc: John Horvath, Esq. (via email)  
David Moore, Esq. (via email)  
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